UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER
RADA, ALEX P

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 June 2007</u>.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8, 10-13, 18-21, 29-30, 55-61 and 70-83</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-8,10-13,18-21,29,30,55-61 and 70-83</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>10/12/07;12/10/07</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to the amendment filed September 14, 2007 wherein applicant amends claims 1,

13, 29, 55, 70, canceled claims 9, 14-17, 22-28, 31-54, 62-69 and 84-86, and claims 1-8, 10-13, 18-21,

29-30, 55-61 and 70-83 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 1-8, 10-13, 18-20, 55-61, and 70-83 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Smith et al. (US 6,599,194 B1) further in view of Nakano et al. (US Patent

6,043,818).

The previous rejection is maintained, copied and incorporated herein. Specifically, Smith

discloses a home video game console system that is modified to include additional communication

and storage capability via a modem and hard disk drive and a user interface. Additionally, Smith et

al. discloses it is contemplated that the enhanced video game console system may alternatively be

packaged in a common integrated housing and sold as a single unit. Smith et al. discloses the

following; a game console (52) comprising a hard disk drive (206) that is non-removable from the

game console and that stores a console application (file(s)) to which the game console boots that

presents a graphical user interface providing navigation to media on the game console, wherein the

hard disk drive is segregated into a user data region and an application data region (Figure 4, Column

1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46, and 54-67, and Column 25, lines 3-22),

media to play a game (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67); media

to watch a movie (television, video, or movie downloaded from the Internet) (Abstract, Column 1,

lines 10-18, and Column 3, lines 57-67); and media to listen to music (Column 1, lines 10-18 and

Column 3, lines 57-67), the game console application is stored on the non-removable hard disk drive

and is executable on the processor (Column 3, lines 54-57), the non-removable hard disk drive is

configured to store data associated with multiple saved games (Column 7, lines 34-42), the game

console comprising an enclosure for the processor (100), the non-removable hard disk drive (206)

and a port (80a-d) for interfacing with a game controller (56a-d) (Column 3, lines 41-46 and Figure

1A), a game console (52) comprising a processor (100) and a hard disk drive (206) coupled to the

processor, wherein the hard disk drive stores a console application to which the game console boots,

and wherein the hard disk drive (partitioned hard disk drive) stores application data such that data

associated with a first application is inaccessible to other applications (Figure 4, Column 1, lines 17-

18, Column 2, lines 34-38, Column 3, lines 40-46, and 54-67, Column 25, lines 3-22, and Column 17,

lines 12-42). Smith discloses identifying a file name or program on the hard disk drive (Column 3,

lines 57-67, Column 7, lines 34-42, Column 13, lines 3-17, Column 23, lines 1-20, and Column 25,

lines 3-22), determining portions of the hard disk drive that are associated with the video game

based on the game identifier (Column 3, lines 57-67, Column 7, lines 34-42, Column 13, lines 3-17,

Column 23, lines 1-20, and Column 25, lines 3-22). Additionally, file names stored in a file manager

by name and folder/directory is inherent to a hard disk drive having file managing capabilities;

media containing a game (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67); and

media containing a movie (television, video, or movie downloaded from the Internet) (Abstract,

Column 1, lines 10-18, and Column 3, lines 57-67). Regarding the different media types please see

the following; media to play a game (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines

57-67); media to watch a movie (television, video, or movie downloaded from the Internet)

(Abstract, Column 1, lines 10-18, and Column 3, lines 57-67); and media to listen to music (audio)

(Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67). With respect to the graphical

user interface please see Figure 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-

46, and 54-67, and Columns 22, 23, 25, lines 3-22. With respect to the graphical user interface

please see figure 10 where a user interface, application manager, and a file manager are disclosed.

Additionally, 13:3-17 discloses storage of all media on a mass storage device including games,

DVD's, and other application programs. Column 22:47- 23:20 explicitly disclose a user interface as

follows:

> "The user interface 350 is the user interface which permits a user to
> select features provided by the application manager 352. The user interface
> therefore presents to the user a set of selectable operations.
>   The application manager 352 is the module which controls which
> applications are executed and which are not. Additionally, it exercises
> control over the file management system 360.
>   As described above, some of the applications that may be run in the
> video game system 50 as expanded by expansion device 95 are communications
> applications, which are controlled by a communications applications module
> 354. Such applications include an Internet browser, which may, for example,
> be a conventional browser providing e-mail and other capabilities appreciated
> by those skilled in the art.
>   The system also provides for off-line applications controlled by an
> Off-line Applications module 356. Module 356 provides calculator, word
> processor, TV guide and other applications. With respect to the TV guide
> off-line application, the TV guide may, for example, be accessed via the
> Internet. Once the TV guide is resident in hard drive 206, the Off-line
> Applications module 356 manages the various operations performed with respect
> to the TV guide data.
>   As shown in FIG. 10, all applications have access to File Manager
> module 360. File Manager 360 controls the files which are stored on hard
> drive 206 or other mass memory module utilized in the system. The File
> Manager 360 must in turn pass through the security layer controlled by the
> Security module 362 before decryption of data stored in the disk is
> possible."

This section clearly discloses a user interface and a file manager. With respect to the amended

subject matter please see above that the system may use a conventional browser that presents the

user interface to the user a set of selectable operation and can include movies, games and music.

Such file managers and browsers are notoriously well known and inherent in computer systems.

With regard to the specifics of the user interface please see Nakano et al where it is disclosed that a

method comprising booting into a console application stored on a hard disk memory of a game

console, regardless of whether a recognizable media is loaded into the game console (col. 14, lines

21-40), and presenting a user interface to facilitate access to multiple different media types, the user

interface including multiple graphical elements corresponding to the multiple different media types,

wherein each graphical element is a navigational entry point to a menu for a respective one of the

media types. Specifically, Fig. 4A display multiple media types in the form of user-selectable buttons,

wherein upon selection of said button a user is presented with a media-type specific menu (Fig. 5,

11, 13; col. 5, lines 27-39). Nakano discloses wherein the media types are selected from a group of

media types comprising game titles, audio files, and video files (Fig. 4A, "Video File Player", "Video

CD Player", "Game Arcade"). Nakano discloses navigating to one of multiple menus, where

individual menus are associated with a particular media type (Fig. 3, 5, 11, 13; col. 5, lines 27-39).

Nakano discloses presenting a games collection menu that identifies games currently available for

playing on the game console (Fig. 12, 13). Nakano discloses presenting a music collection menu that

identifies music currently available for playing on the game console (Fig. 11, "Playlist"). Nakano

discloses presenting a memory contents menu that identifies contents stored on the hard disk

memory (Fig. 4A displays buttons for "Find All Files" and "[C:]", wherein [C:] is the computer's hard

drive). Nakano discloses one or more computer-readable media comprising computer-executable

instructions that, when executed, perform the method as recited in claim 1 (Fig. 2). Nakano discloses

that the console application accepts a user selection of one of the graphical elements of the user

interface prior to navigating to a menu for a respective one of the different media types (col. 5, lines

27-39). While Nakano does not specifically disclose presenting a movie collection menu that

identifies movies currently available for playing on the game console Nakano does discloses a

"Video File Player" button, i.e. graphical element, (Fig. 9) that allows a user to watch video files (Fig.

8). Additionally, as described above, Nakano specifically discloses media-type specific menus that

display games currently available for playing on the game console, as well as music currently

available for playing on the game console. Thus, it would have been obvious to one of ordinary skill

in the art at the time of the invention to allow a player to view a menu presenting movies games and

music currently available for playing on the game console. One would have been motivated to do so

in order to allow a player to easily select the movie they wish to view as taught by Nakano.

> **Claims 21 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over
> Smith et al. (US 6,599,194 B1) in view of Nakano et al US Patent 6,043,818 further in view
> of Sega Dreamcast User Manual, disclosed to the public on September 9, 1999.**

As described above, Smith discloses a user interface for selecting different types of media.

Smith et al. discloses a video game system modified to include a hard disk drive and communication

capabilities, including the capability to access and play music, games and video as described above.

Smith et al. does not specifically disclose a game controller with a memory unit attached configured

to store different types of media. Instead smith discloses in column 4 that a wide variety of

alternative program storage media are contemplated by the present invention such as CD ROM,

Floppy disk, ROM, etc. The ROM may contain, for example, instructions and other information for

an adventure game, etc. This enables a computer system to access the information contained within

the read only memory. Column 5 discloses the use of controllers 56 that are commonly used with a

game machine that uses an expansion device as incorporated by reference from copending us

application 08/719,019 now US Patent 6,001,015. The video game system 50 is designed to

accommodate expansion to incorporate various types of peripheral devices by incorporating a

programmable peripheral device input/output system. This would supply one with motivation to

find other systems where a controller with a memory device is accessible by the video game system.

In an analogous invention The Sega Dreamcast User Manual describes a gaming console wherein a

user may choose a gaming or music media type application to be operated by the gaming console by

inserting the appropriate disk. As can be seen on page 11 of the Sega Dreamcast User Manual, upon

startup a user is presented with a main menu and may choose from the following selectable options;

Play, File, Music, or Settings. Pages 14-21 disclose all of the remainder of the claimed limitations in

the section for managing game files including a user interface for multiple controllers and managing

files on the portable storage units in the game controllers.

Response to Arguments

Applicant's arguments filed September 14, 2007 have been fully considered but they are not

persuasive. A summation of the applicant's argument is that the references cited do not disclose

each associated menu includes at least one menu item having an associated media that corresponds a

media type and the menu items listed in the associated menus are based on a media type associated

with a given associated menu. As discussed above Nakano discloses in Fig. 4A displaying multiple

media types in the form of user-selectable buttons, wherein upon selection of said button a user is

presented with a media-type specific menu (Fig. 5, 11, 13; col. 5, lines 27-39). Nakano discloses

wherein the media types are selected from a group of media types comprising game titles, audio files,

and video files (Fig. 4A, "Video File Player", "Video CD Player", "Game Arcade"). Nakano discloses

navigating to one of multiple menus, where individual menus are associated with a particular media

type (Fig. 3, 5, 11, 13; col. 5, lines 27-39). Nakano discloses presenting a games collection menu that

identifies games currently available for playing on the game console (Fig. 12, 13). Nakano discloses

presenting a music collection menu that identifies music currently available for playing on the game

console (Fig. 11, "Playlist"). Nakano discloses presenting a memory contents menu that identifies

contents stored on the hard disk memory (Fig. 4A displays buttons for "Find All Files" and "[C:]",

wherein [C:] is the computer's hard drive). Nakano discloses when a user selects A/V mode shown

in Fig. 5, operational panels of the WAV Player and Mixer are displayed and various kinds of

buttons are displayed on the operational panel. The user may operate any button among the various

kinds of buttons so that he can command the WAV Player and Mixer to do a certain function, much

like the CD button in Fig. 5 button is selected and images of operational panel of a CD player is

displayed. Thus it can be seen that when the WAV Player is selected and displayed, the player is a

menu item having an associated media that corresponding a media type associated with a

corresponding one of the associated menus. Nakano discloses that the console application accepts a

user selection of one of the graphical elements of the user interface prior to navigating to a menu for

a respective one of the different media types (col. 5, lines 27-39). While Nakano does not

specifically disclose presenting a movie collection menu that identifies movies currently available for

playing on the game console Nakano does discloses a "Video File Player" button, i.e. graphical

element, (Fig. 9) that allows a user to watch video files (Fig. 8). Additionally, as described above,

Nakano specifically discloses media-type specific menus that display games currently available for

playing on the game console, as well as music currently available for playing on the game console.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to

allow a player to view a menu presenting movies games and music currently available for playing on

the game console. One would have been motivated to do so in order to allow a player to easily select

the movie they wish to view as taught by Nakano.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner

can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/   Robert E. Pezzuto
Supervisory Patent Examiner, Art Unit 3714   Examiner
                                                                                    Art Unit 3714

/A. P. R./
Examiner, Art Unit 3714